

United States District Court

Western District of Michigan

UNITED STATES OF AMERICA

Case Number: 1:06-cr-107-01

v.

USM No. 13067-040

Derrick Dupree Smith

Michael J. Dunn
Defendant's Attorney

Date of Previous Judgment: July 23, 2007
(Use Date of Last Amended Judgment if Applicable)

**ORDER ADJUDICATING MOTION FOR MODIFICATION OR REDUCTION
OF SENTENCE PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of the defendant under 18 U.S.C. §3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. §994(u), and the Court having considered such motion,

IT IS HEREBY ORDERED that the motion is:

- ☒ **DENIED.**
☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____ months.

IT IS FURTHER ORDERED THAT:

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: _____	Amended Offense Level: _____
Criminal History Category: _____	Criminal History Category: _____
Previous Guideline Range: _____ to _____ months	Amended Guideline Range: _____ to _____ months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
☒ Other (explain):

See Memorandum Opinion filed contemporaneously with this Order.

All provisions of the judgment dated July 23, 2007 shall remain in effect.

IT IS SO ORDERED.

Date: September 3, 2010

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge